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LB 543

have to set up a special fund for the church schools.

SPEAKER KRISTENSEN: I would always...I just think if you have an equal protection argument, if you can't articulate a rational, reasonable basis for making the distinction, you have problems. Now what I...

SENATOR CHAMBERS: And that burden is on the one trying to justify the classification.

SPEAKER KRISTENSEN: Sure. Now, I would add one other thing. I don't know if equal protection applies towards appropriations or not, Senator. I...I'm just not smart enough to tell you if I know that or not.

SENATOR CHAMBERS: (Laugh)

SPEAKER KRISTENSEN: Because, while we...we make fun, I think there's a difference when it comes to appropriations, but I can't articulate that, and so I'm not going to hold you out that I understand that or know what that is.

SENATOR CHAMBERS: Here's what I'm looking at--creation of classes by law which set up those barriers that prevent people from having access to one of those funds, even if no money was in it. These...these classes were created by statute...

SPEAKER KRISTENSEN: By statute.

SENATOR CHAMBERS: ...in basic law, right, in substantive law. And you don't have to give an answer right now,...

SPEAKER KRISTENSEN: No, I...but I...

SENATOR CHAMBERS: ...because I caught you off guard.

SPEAKER KRISTENSEN: ...a little, but I...you always, if you're going to make those distinctions and differences, rational basis is a pretty broad area, but I still think you probably have to have those, yes.